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SECRET OF 1948 LBJ ELECTION TO SENATE ENDS MYSTERY OF THAT NO. 13 BALLOT BOX

Answers the question was his U. S. Senate seat stolen for LBJ in 1948
by his political cronies who paid themselves off with taxpayers' billions

FIRST ARTICLE IN A SERIES ON THE RISE OF LBJ

Lyndon B. Johnson represented the State of Texas as a Senator in the United States Senate in 1960 at the time he was inducted from that office into the office of Vice-President of the United States. In that 1960 election, Senator John Fitzgerald Kennedy, representing the State of Massachusetts, was elected to the office of President of the United States. In that 1960 election, LBJ had failed in his attempt to win the nomination of the Democratic Party as their candidate for the office of President. Senator John Fitzgerald Kennedy won that nomination, and in the 1960 general election Senator John Fitzgerald Kennedy was elected the President of the United States.

The elevation of LBJ into office as President of the United States was the consequence of the assassination of President Kennedy on Nov. 22, 1963. LBJ assumed the office of President of the United States on that day, under provisions of the Constitution providing for his succession to the office of President under such circumstances.

The elevation of LBJ from the office of Vice-President to the office of President of the United States was not challenged at that time, nor has it been questioned since then as a consequence of the circumstances surrounding LBJ's 1948 induction into office as Senator from the State of Texas. LBJ's claim in 1948 to the office of Senator from the State of Texas was vigorously contested on the ground that LBJ's alleged victory in the August 28, 1948 run-off primary election of the Democratic Party was invalid, and of no force or effect, as it had been stolen.

Undeniable evidence supplied incontestable proof that the 1948 result of the Democratic Party's 1948 primary election was falsified by persons vitally interested in the election of LBJ as Senator from the State of Texas. However, that evidence did not at that time, nor does it now supply proof that LBJ possessed advance knowledge of the plot to steal the 1948 election for him as Senator from the State of Texas, nor does that evidence now supply proof that LBJ was privy to that plot when it was conceived, or that he was an accessory before the fact in falsifying results of the August 28, 1948 run-off primary election in the Democratic Party's Jim Wells County Precinct No. 13.

Life Magazine of August 14, 1964, and a great number of other equally reliable sources of information on this subject, present alleged facts which lend credibility to the contention that LBJ was not elected the Democratic Party's candidate for United States Senator in the 1948 Texas run-off

primary election to nominate that candidate. The facts they allege indicate beyond all question of any doubt that the Democratic Party's run-off primary election on August 28, 1948 was stolen for LBJ by his Texas political cronies, who were successful in falsifying the results of that Democratic Party's run-off election.

LBJ is seeking election as President of the United States in 1964 for the first time on his own account. The interests of all parties concerned will be best served if every available fact throwing light on this question is submitted to the voters of the United States for their considered judgment before Election Day in November. The electorate in the United States will thus be in a position for the first time to intelligently pass judgment upon LBJ's ambition to serve an additional four years more as President of the United States, and possibly an additional eight years more if LBJ is elected in 1964 for his first term in that office and re-elected in 1968 to serve his second term.

By every recognized practice in the United States for tabulating election results, LBJ was defeated by ex-Governor Coke Stevenson, a three time governor of the State of Texas, in the Texas August 28, 1948 run-off primary election of the Democratic Party to nominate their candidate for United States Senator. The nomination of a candidate by the Democratic Party in primary elections in the State of Texas invariably insures the election to office of that candidate in the November general election. The candidate in the nation-wide November 1948 election for the United States Senator from the State of Texas depended upon whether the Democratic Party in Texas nominated LBJ or ex-Governor Coke Stevenson as their candidate for that office in the Democratic Party's August 28, 1948 run-off primary election.

That August 28, 1948 run-off primary election of the Democratic Party in Texas to nominate their candidate for the Office of United States Senator in the general election in November, was won by ex-Governor Coke Stevenson by a positive majority of 113 votes. After the official announcement of ex-Governor Stevenson's victory, a mysterious "recount" of election returns in Precinct No. 13 of Jim Wells County found 201 more votes for LBJ than had been officially reported previously, and one more vote for ex-Governor Coke Stevenson than had been officially reported previously for him, thereby representing LBJ as purported winner in the August 28, 1948 run-off primary election by an alleged majority of only 87 votes in a state-wide election of one-million votes.

Texas is a large state. The distances within the State of Texas are accordingly very much longer than found in other states. The method for counting votes in primary elections in

rural precincts in the State of Texas is very primitive and very antiquated. It takes as many as six more days for election results from rural elections precincts to trickle into the headquarters of the Texas State Democratic Executive Committee in Austin, thus often delaying final primary election results that length of time in primary elections, if an election result in a rural precinct is the deciding factor in the final result of a state-wide Texas primary election.

On the sixth day after the August 28, 1948 run-off primary election of the Democratic Party in Texas, ex-Governor Coke Stevenson was officially declared the Democratic candidate nominated for the office of Senator from the State of Texas, when word was thereafter received by the Texas State Democratic Executive Committee in Austin from George Parr, the political dictator of Jim Wells County and a political crony of LBJ, conveying startling "news."

George Parr sent word to the Texas State Democratic Executive Committee in Austin after September 3, 1948 that results of the August 28, 1948 Democratic Party's run-off primary election in Precinct No. 13 of Jim Wells County had been "recounted," and that the "recount" had discovered an additional 201 more votes for LBJ than had previously been reported, and only one more additional vote for ex-Governor Coke Stevenson than had previously been reported. The additional 201 votes hastily "discovered" after Sept. 3, 1948 for LBJ, reversed the officially reported results of the August 28, 1948 state-wide run-off primary election, allegedly making LBJ the winner by a majority of 87 votes. This word came seven days after the Democratic Party's August 28, 1948 state-wide run-off primary election in which ex-Governor Coke Stevenson had already been officially and finally declared the winner by the official and final 113 majority result on a state-wide basis in that election.

The "recount" in Precinct No. 13 of Jim Wells County, reported by George Parr to the Texas State Democratic Executive Committee meeting in Austin, was contested by ex-Governor Coke Stevenson's supporters in the Texas state courts by a proceeding before the Texas State Democratic Executive Committee, and in Federal Courts up to and including the United States Supreme Court. In the proceedings before Federal District Court Judge T. Whitfield Davidson, after his examination of the exhibits, Judge Davidson stated he found as a matter of fact:

"that the evidence made a prima facie showing of fraud in the election returns certified to the State Democratic Executive Committee from Precinct No. 13 in Wells County . . ."

SECRET OF LBJ ELECTION TO SENATE

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The "recount" in Precinct No. 13 in Jim Wells County in the August 28, 1948 run-off primary election was the deciding factor in starting LBJ on his way to the White House, where he is now serving as the 36th President of the United States. At that time, LBJ was concluding his fifth term representing the 10th Congressional District of Texas in the House of Representatives in Washington, where LBJ was elected first in 1937.

In the Democratic Party's July 24, 1948 primary election in Texas, ex-Governor Coke Stevenson received 477,077 votes on a state-wide basis, giving ex-Governor Coke Stevenson a 71,470 state-wide majority. Ex-Governor Coke Stevenson's 477,077 votes lacked a few votes of being a majority of all votes for the five candidates in the Democratic Party's July 24, 1948 state-wide primary election. However, because ex-Governor Coke Stevenson lacked those few votes, under the rules of the Democratic Party in Texas, having the largest number of votes, but not having a majority of all votes in the state-wide July 24, 1948 election, he was obliged to enter a run-off primary election against LBJ who received the next largest number of votes in the July 24, 1948 primary election. The date for that run-off primary election was set to take place on August 28, 1948.

The supporters of LBJ were determined to conduct a victorious campaign at any cost, and for that purpose mobilized the most resourceful Democrats in the entire State of Texas for a whirlwind campaign. LBJ's first move was to name John Connally his manager in that campaign. John Connally is presently Governor of the State of Texas. John Connally first began to work for LBJ in the early days of the New Deal of President Franklin D. Roosevelt. When President Franklin D. Roosevelt created the National Youth Administration (NYA), he named LBJ director for the State of Texas.

John Connally advanced himself in the intervening years as a political crony of LBJ. John Connally is now Governor of the State of Texas. LBJ was elected to Congress in 1937 for the first time. John Connally also went to Washington at that time but as an important lobbyist for Texas gas and oil interests, making many political cronies.

LBJ enlisted John Coffey to direct his August 28, 1948 run-off primary election campaign. John Coffey became chief counsel for Billy Sol Estes and is most highly regarded in Texas as a foremost campaign strategist. At that time, John Coffey was also the Texas campaign manager for President Harry S. Truman, who in 1948 was seeking election for the first time on his own account, as President of the United States. President Harry S. Truman was elevated from the office of Vice-President to the office of President of the United States in 1945 through the death of President Franklin D. Roosevelt, exactly as LBJ was.

LBJ's August 28, 1948 run-off primary election campaign against ex-Governor Coke Stevenson was so vigorously conducted by LBJ's political cronies that ex-Governor Coke Stevenson's 71,470 state-wide majority in the July 24, 1948 Democratic Party's primary election dwindled to a mere 113 vote state-wide majority in the August 28, 1948 run-off primary election. Nevertheless, LBJ went on the air that night and thanked his friends for his victory, broadcasting to them "The Progressive people of Texas have won a hard fight, but we have won and can go forward. As your new United States Senator, I will serve you, etc." But as he spoke those words, LBJ had not won the August 28, 1948 Democratic Party's run-off primary election. LBJ could not know he was the candidate of the Democratic Party for election to the United States Senate in the nation-wide November 1948 general election.

On that very night, the Dallas Daily News in a midnight edition, reporting directly from Jim Wells County, published that John Connally had arrived on the scene in Jim Wells County and had reported he had discovered that the votes in some precincts in

Jim Wells County had previously been incorrectly reported in earlier tabulations, and that therefore the official and final tabulation of the Democratic Party's August 28, 1948 run-off primary election must now be delayed indefinitely for further "recount."

An hour or so later, the reporter for the Dallas Daily News filed a second dispatch which alarmed LBJ's political cronies directing LBJ's August 28, 1948 run-off primary election campaign against ex-Governor Coke Stevenson. In the second dispatch, the Dallas Daily News reported that Luis Salas, the presiding election judge for Precinct No. 13 in Jim Wells County, which included the county seat of Alice, said that although only 600 ballots had been issued for Precinct No. 13 in Jim Wells County, that the votes tabulated for Precinct No. 13 in Jim Wells County showed 768 voted for LBJ and 60 for ex-Governor Coke Stevenson, a total of 828 votes. The presiding election judge Luis Salas, expressed no interest in explaining the discrepancy between only 600 ballots issued to Precinct No. 13 in Jim Wells County and the 828 votes reported for Precinct No. 13 in Jim Wells County, the 768 votes reported for LBJ and the 60 votes reported for ex-Governor Coke Stevenson. Furthermore, Luis Salas, the presiding election judge in Precinct No. 13 in Jim Wells County, denied having anything to do with tabulating the votes of the August 28, 1948 run-off election.

The Dallas Daily News further reported that the ballot box of Precinct No. 13 in Jim Wells County had been locked in the vault of the Parr Bank. Rumors were circulating that the ballot box of Precinct No. 13 of Jim Wells County was locked in the vault of Parr Bank and would not be brought out and officially reported until it was known exactly how many votes were needed to make LBJ a purported winner of the August 28, 1948 run-off primary election which followed the state-wide July 24, 1948 primary election.

Thinking the matter over carefully, ex-Governor Coke Stevenson decided to proceed to Jim Wells County himself, and to assume personal direction of his campaign problems, taking with him Kellis Dibrell and James Gardner, two of his loyal workers. Ex-Governor Coke Stevenson promptly moved his forces into Jim Wells County, going directly to Alice, the county capital, after a brief conference held by him in Duval County with George Parr, who protested his innocence.

A three-man sub-committee of the Texas State Democratic Executive Committee had previously been set up in Austin to receive and officially tabulate all Democratic Party primary election results. This sub-committee reported on September 3, 1948 that ex-Governor Coke Stevenson had been elected by a 113 vote majority in the August 28, 1948 Democratic Party's run-off primary election.

Within a matter of hours after this report was released as official and final by the Texas State Democratic Executive Committee in Austin, John Connally immediately refuted it with a release from Alice, the county capital of Jim Wells County, in which he stated that the ballot box of Precinct No. 13 in Jim Wells County had been "re-canvassed," and errors had been discovered that gave LBJ 201 additional votes. According to John Connally's September 3, 1948 "re-canvass" LBJ received 967 votes against 61 votes received by ex-Governor Coke Stevenson. John Connally's September 3, 1948 alleged "re-canvass" gave LBJ a purported state-wide majority of only 87 votes in the August 28, 1948 run-off primary election and the nomination as the Democratic Party's candidate in the State of Texas for United States Senator in the November 1948 general election.

In the Democratic Party's primary election on July 24, 1948, a new County Executive Committee had been elected for Jim Wells County, of which Harry Adams was Chairman and H. L. Poole was Secretary. Under the laws of Texas, and following the established custom of the Democratic Party in Texas; the new County Executive Committee must take immediate possession of Democratic Party primary election returns, as their legal and traditional custodian.

However, in spite of a legal and traditional obligation to surrender to the new County Executive Committee as official and legal custodian, the returns of the August 28, 1948 run-off primary, the old County Executive Committee declined to surrender them to Chairman Adams and Secretary Poole although repeatedly demanded. The Secretary of the old County Executive Committee was Thomas Donald, an employee of the Parr bank, where he had placed the ballot box of Precinct No. 13 of Jim Wells County in the vault of that bank, violating Texas law.

Thereupon, Chairman Adams and Secretary Poole aligned themselves completely with ex-Governor Coke Stevenson's forces. Chairman Adams and Secretary Poole frankly confessed that neither of them had been able to examine the contents of the ballot box of Precinct No. 13 of Jim Wells County, although the new County Executive Committee was its custodian under laws of the State of Texas and tradition of the Democratic Party in all primary elections.

Chairman Adams and Secretary Poole were present in the Parr bank when John Connally and Thomas Donald "re-canvassed" the ballot box of Precinct No. 13 of Jim Wells County. They managed to get close enough to the "re-canvass" then in progress there, to notice about 200 names had recently been added to the list of 800 registered voters, about 200 names recently and hastily added to the list of 800 names on the official list of registered voters. They noted that about 200 names recently added to the list had been added in alphabetical order, and that all the names were in identical handwriting, and written with green ink, while the names on the official list of the 800 registered voters were not in alphabetical order, nor were they written in the same handwriting, and were written with black ink.

Chairman Adams of the County Executive Committee turned to ex-Governor Coke Stevenson and said, "It is a crooked deal, and I pledge you all my power to get to the bottom of it." They thereupon combined their forces to demand another look at the voters list of Precinct No. 13 of Jim Wells County on the following morning. They anticipated they would be permitted to copy names from the list of voters as they appeared there, in a move for further investigating the possibility of obtaining a court order directing John Connally and Thomas Donald to deliver into their physical possession the ballot box of Precinct No. 13 of Jim Wells County, as official and legal representatives of the new County Executive Committee, the legal and official custodian for Democratic Party primary returns.

Kellis Dibrell and James Gardner, former FBI agents and at that time practicing attorneys, were ex-Governor Coke Stevenson's workers. They immediately telephoned trusted friends who were properly trained to assist them in making a hasty investigation of persons selected from the 200 added names on that list, asking their friends to join them on the following day to help them with their task. The local newspapers got wind of their telephone calls, and interpreted them as calls for armed recruits to forcibly take possession of the ballot box of Precinct No. 13 of Jim Wells County, when the bank opened the next day. The reporters conjured up the prospect of a pitched battle the next day, as it was not unusual for differences of opinion to be settled with pistols in this area of Texas, and battle fever was then mounting at an alarming rate and things looked bad.

Ex-Governor Coke Stevenson, three times governor of the State of Texas, knew the procedure to be followed under the circumstances, and sent an urgent call to the Adjutant General of the State of Texas at Austin for a sufficient force of Texas Rangers to maintain the peace and avoid bloodshed. As the time approached on the following morning for the bank doors to open, the prospect for shooting it out appeared excellent. The Parr forces were ready for business. Five riflemen, trailing Winchester carbines at ready, lolled casually in skirmish formation across the narrow street, in front

of a feed store. Directly in front of the door of the bank, calmly stood a dozen or more seasoned fighters, all armed with pistols.

A few minutes before the bank doors were to open at nine o'clock, ex-Governor Coke Stevenson and his unarmed investigators approached the bank, escorted by Captain Frank Hammer of the Texas Rangers, who was known to each gunman gathered there. He was respected as a stern, inflexible officer who never gave an order until he was prepared to enforce strict and prompt obedience. Captain Hammer slowly surveyed the group on both sides of the street casually. Then he walked over to the riflemen, and pointing down the street, spoke just one word, "Git." The riflemen cradled their carbines with muzzles lowered, mumbled angrily and cursed audibly, and departed down the street precisely as ordered by Captain Hammer.

Captain Hammer crossed back across the street and faced the group in front of the bank. When the talking and mumbling quieted down, Captain Hammer spoke just two words, "Fall back." With a minimum of hesitation, Captain Hammer's command was obeyed, and a path was cleared to the bank door. As Thomas Donald opened the bank door, Captain Hammer motioned to ex-Governor Coke Stevenson's men to enter the bank. Captain Hammer then took his place in the door of the bank and forbade any of the others to enter. That began and that ended the part that Captain Hammer played in that affair, from its start to its finish.

In a statement sworn under oath, LBJ charged Captain Hammer with using at that meeting, "force, threats and intimidation," for "furthering the conspiracy to rob me of my seat in the United States Senate." In his long career as a Texas Ranger, this was the first time Captain Hammer was charged with violating the Texas Ranger's code of the strictest possible impartiality.

As Chairman Adams and Secretary Poole of the County Executive Committee of Jim Wells County, legal and official custodian in Texas of primary election returns in primary elections of the Democratic Party, Chairman Adams and Secretary Poole made repeated demands upon Thomas Donald that he open the bank vault and that he forthwith deliver to them ballot box of Precinct No. 13 of Jim Wells County. Thomas Donald at first shook his head negatively, but then quickly changed his mind and said, "I will permit you to see the voting list, but not to handle it." Thereupon, Thomas Donald twirled the knob of the big vault door, and after the door of the vault had been opened, Thomas Donald brought out the voting list, holding it up across a wide table for Chairman Adams and Secretary Poole to clearly read the names.

Ex-Governor Coke Stevenson's men proceeded to jot down as many names as they could memorize from the 200 names added to the list in alphabetical order in identical handwriting, and written with green ink. They had jotted down seventeen names when the telephone rang. Thomas Donald folded up the list and took the list with him to answer the telephone. After talking very briefly in a very low tone with the party at the other end, Thomas Donald returned to Chairman Adams and Secretary Poole, and said to them across the wide table, "That's all," forthwith proceeding to return the list to the bank vault, shutting the bank's vault door and terminating their meeting.

However, Chairman Adams and Secretary Poole had been able to memorize seventeen names from the list. Ex-Governor Coke Stevenson's representatives were hurriedly sent to interview them. Their addresses were scattered, but four of the names written with green ink and indicated on the list as having voted in the August 28, 1948 run-off primary election, according to the church records, established beyond all question of any doubt that the addresses of these four alleged voters were in cemeteries, these four alleged voters having died many years ago.

Another name written with green ink and indicated on the list as having voted in the August 28, 1948 run-off primary election was Hector Serda, who was located attend-

ing school in Kingsville. Hector Serda denied having been in Alice on the day of the August 20, 1948 run-off primary election, thus he could not have voted in the run-off primary election on that day in Alice. Another name written with green ink and indicated on the list as having voted in the August 20, 1948 run-off primary election, was a young housewife named Enriqueta Acers who denied having voted, and further stated that she was not qualified to vote. Further investigation failed to locate one person, among the 200 names appearing on the list written with green ink, who admitted having voted in the August 20, 1948 run-off primary election in Precinct No. 13 of Jim Wells County.

As the evidence of this obvious fraud became so apparent, Chairman Adams converted the living room in his home into an office. Chairman Adams tentatively decided to prepare the papers required to commence a mandamus proceeding on the following day, before Judge Broeter, the resident judge in that district. Papers for a second legal proceeding were also tentatively prepared, to be kept in readiness for immediate use in the event their mandamus application before Judge Broeter was denied or delayed. In their second, the County Executive Committee certified the election returns of sixteen voting precincts in Jim Wells County, omitting the returns of Precinct No. 13 of Jim Wells County, the seventeenth voting precinct in Jim Wells County. The elimination of the election returns of Precinct No. 13 of Jim Wells County from election returns of Jim Wells County gave ex-Governor Coke Stevenson a state-wide majority of approximately 900 votes and the nomination as the Democratic Party's candidate for United States Senator in November's nation-wide election.

As each of these legal proceedings would require the official approval of the new County Executive Committee, Chairman Adams and Secretary Poole took immediate steps to notify the other twenty members of their new County Executive Committee to meet to authorize their contemplated legal proceedings. Chairman Adams called for the meeting for eleven o'clock on the following day and held in the living room of his home.

As they arrived for the meeting on the following morning, the members of the new County Executive Committee indicated that their official approval of the litigation would be speedily voted. Chairman Adams had prepared all the papers in advance of the meeting, and was about to officially call the meeting to order to vote approval for their contemplated legal proceedings, when John Connally brazenly intruded into Chairman Adams home in the company of Clarence Marten, the former Chairman of the old County Executive Committee, and two deputy sheriffs of Jim Wells County.

The two deputy sheriffs immediately proceeded to hand Chairman Adams, ex-Governor Coke Stevenson and all members present of the new County Executive Committee, copies of an order by Judge Roy Archer, issued in the 79th District Court in Austin, enjoining any meeting of the new County Executive Committee.

Judge Roy Archer's injunction further enjoined all persons from any further attempt to obtain possession of the ballot box of Precinct No. 13 of Jim Wells County, to cease all efforts in search of fraud and not to attempt to make any new tabulation of the election results in Jim Wells County.

Judge Roy Archer's injunction had been issued only an hour or so earlier, upon an application for the injunction that had been hastily heard by Judge Roy Archer "in chambers" on an affidavit signed personally by LBJ, without any other evidence. It was highly irregular for a Texas District Judge to project his court into a controversy 200 miles outside his jurisdiction, completely ignoring the resident judge in that district.

Judge Roy Archer's injunction was the first time in Texas history that a County Executive Committee had been enjoined from holding an official meeting, and the first time in Texas history that an investigation for fraud had been enjoined by an injunction.

LBJ and John Coffey, his attorney in the proceeding, had been successful in obtaining an injunction in a Texas court enjoining a duly constituted County Executive Committee of the Democratic Party from exercising its legal and traditional right to perform its most important function, tabulating results of all Democratic Party primary elections.

LBJ's political cronies then appeared to have overcome all obstacles with exception of one, the official certification of Democratic Party primary election returns by the State Democratic Executive Committee, which was scheduled to meet for that purpose at noon, on Monday, September 13th 1948, in Fort Worth. When certified by the State Democratic Executive Committee, the list exactly as certified by them was then transmitted to the Secretary of State, who was charged with the duty of printing the ballots in the State of Texas for the general nation-wide election held in November.

Ex-Governor Coke Stevenson's forces prepared to appear before the State Democratic Executive Committee in Fort Worth at noon, on Monday, September 13th 1948, and seek to have the election returns of Precinct No. 13 of Jim Wells County eliminated from the election returns of Jim Wells County, or as an alternative, to have the powerful State Democratic Executive Committee exercise its legal authority to examine the election results of Precinct No. 13 of Jim Wells County.

On the first ballot of the State Democratic Executive Committee to implement the application by ex-Governor Coke Stevenson for an investigation of the August 28th, 1948 run-off primary election returns of Precinct No. 13 of Jim Wells County, the vote was evenly divided, with 28 for the investigation and 28 against the investigation. A second ballot was taken but again with the same results, 28 in favor of the investigation and 28 against the investigation.

After the second ballot, LBJ, John Connally, John Coffey and their staff withdrew to another room for consultation, but not before having obtained a promise from the State Democratic Executive Committee that no more ballots would be taken on Precinct No. 13 of Jim Wells County until they returned to the room in which they had met.

LBJ, John Connally, John Coffey and their staff did not return to the room until shortly after four o'clock in the afternoon, when they brought back with them to the meeting Committeeman C. C. Gibson whom they had flown in from Amarillo, Texas. On the next ballot taken by the State Democratic Executive Committee on Precinct No. 13 of Jim Wells County, Committeeman C. C. Gibson cast the deciding vote in favor of LBJ, with 29 votes against the investigation and 28 votes in favor of the investigation of the election returns of Precinct No. 13 of Jim Wells County. The State Democratic Executive Committee then hastened to adjourn.

Texas Secretary of State Paul Brown was charged with the duty of printing the official ballots for the general election in November and getting them into the hands of the Election Boards in each of the 254 Texas counties in time for absentee voting, which in Texas commenced twenty days before the November 1948 nation-wide general election.

As the legal deadline for printing the ballots was close at hand, Secretary of State Paul Brown immediately forwarded to the printer by registered mail, the certified list of nominees received by him from the State Democratic Executive Committee.

Notwithstanding that LBJ's name was officially ordered to appear on the ballot for the general election in November, as the nominee of the Democratic Party for United States Senator, ex-Governor Coke Stevenson decided to immediately apply to the Federal Courts for permission to examine the primary election returns of Precinct No. 13 of Jim Wells County. Ex-Governor Coke Stevenson was joined by Chairman Adams and Secretary Poole in the prompt preparation of the papers to be immediately submitted in Dallas to Federal District Court Judge T. Whitfield Davidson, seeking that permission.

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Judge T. Whitfield Davidson had served at one time as Lieutenant-Governor of the State of Texas and had every reason for the complete confidence he reposed in ex-Governor Coke Stevenson. After lengthy consideration of ex-Governor Coke Stevenson's application for an injunction, Judge T. Whitfield Davidson ordered all returns of the August 28th 1948 run-off primary election in Precinct No. 13 of Jim Wells County impounded for examination by a commissioner to be appointed by the Federal District Court, and further enjoining Secretary of State Paul Brown from printing LBJ's name on the ballots until that examination was completed. The temporary injunction granted to ex-Governor Coke Stevenson by Judge T. Whitfield Davidson was ordered to remain in force and effect until a hearing on September 21st 1948 was heard on the question of making the injunction permanent.

The sweeping injunction by a Federal District Court was a great shock to LBJ and to his political cronies. That injunction prevented Secretary of State Paul Brown from printing LBJ's name on the ballot. The type from which the ballots were to be printed had been set up by the printer promptly, and the ballots were being printed when Secretary of State Brown arrived at the printer's place of business. Secretary of State Paul Brown ordered the printer to remove LBJ's name from the ballots and leave a blank space on the ballots requiring voters in the general election in November to write in the name of their choice for Senator. Secretary of State Paul Brown further ordered the printer to destroy the few hundred ballots already printed on which LBJ's name appeared as the candidate of the Democratic Party for United States Senator.

Further legal proceedings developed immediately on both sides. Sam Rayburn, at that time Speaker of the House of Representatives in Congress, was a powerful political figure in Texas and in national affairs. Sam Rayburn immediately telegraphed orders to every member of the State Democratic Executive Committee to meet at his home in Bonham for an overnight caucus. At the same time, LBJ with a staff of attorneys headed by John Coffey, flew to New Orleans to seek an order there from the Federal Fifth District Court of Appeals setting aside the injunction issued by Federal District Court Judge T. Whitfield Davidson.

In New Orleans, Federal Judge J. C. Hutcheson, Jr. heard LBJ's application to set aside Judge T. Whitfield Davidson's injunction. After a brief hearing on LBJ's application, Judge J. C. Hutcheson, Jr. decreed the matter was too important to be decided by one judge, and decreed further that LBJ's application should be heard by the full court of three judges of the Federal Fifth Circuit Court of Appeals in a public hearing to be held on October 2nd, 1948.

The State Democratic Executive Committee became a party to the proceedings LBJ instituted in New Orleans before Federal Circuit Judge J. C. Hutcheson, Jr. in the Fifth Circuit Court of appeals, as the outcome of the overnight caucus of the State Democratic Executive Committee called by Sam Rayburn to meet at his Bonham home.

As planned for that development, the Election Boards of all 254 Texas counties became involved in that litigation, and for that reason the pending legal proceeding became a "class action," enabling LBJ to remove that proceeding from the Fifth Circuit Court of Appeals in New Orleans, before Federal Circuit Judge J. C. Hutcheson, Jr. to the United States Supreme Court in Washington before Associate Justice Hugo L. Black.

In the interim, Federal District Judge T. Whitfield Davidson in Dallas appointed R. E. "Bob" Smith of San Antonio the Commissioner of the Federal District Court, and invested him with the broadest power to proceed without delay to Jim Wells County, to impound all ballot boxes, issue subpoenas, administer oaths, and swear in as officers of the court all the help he required to com-

plete his assignment within three days, when he was to report results of his investigation to Federal District Judge T. Whitfield Davidson for further action by him in the matter.

Commissioner R. E. "Bob" Smith proceeded in that matter without losing any time. Deputy United States marshals appointed by him were unable to serve papers on Thomas Donald, who was alleged to have been "called to Mexico" on business. The Deputy United States marshals likewise found all other election officials suddenly "called out of town," and they were unable to serve them with subpoenas to appear.

However, the ballot boxes were not difficult to locate. All ballot boxes including the ballot box of Precinct No. 13 of Jim Wells County were stacked in a corner of the jail. All the ballot boxes were unlocked, none were locked. But inside the ballot boxes there was nothing but old newspapers and rubbish. There were neither voting lists nor ballots on any of the ballot boxes there.

When the hearing before Federal District Judge J. C. Hutcheson, Jr. opened, LBJ filed a petition to vacate the injunction granted ex-Governor Coke Stevenson by Federal District Judge T. Whitfield Davidson. LBJ's attorney John Coffey made the following oral pleading, and pointing to ex-Governor Coke Stevenson stated:

"The plaintiff lost his race for United States Senatorial nominee in a Democratic primary, over which only the regular Democratic officials have jurisdiction. This court has no jurisdiction. He has no civil rights as pleaded in his petition. He is merely a poor loser and there is no law . . ."

Whereupon, Federal Circuit Judge T. Whitfield Davidson promptly banged his gavel angrily and cut short John Coffey's tirade with remarks seldom heard delivered from the bench in a Federal Circuit Court, with the following admonition to LBJ's attorney:

"This plaintiff, Mr. Stevenson, has duly alleged he has been robbed by fraud of a seat in the United States Senate. Not a shred of evidence has been submitted to disprove his claim, and he would be entitled to a hearing in open court if there was not a law on the books of any kind. And, that hearing he shall have. This court will decide on the merits of his petition."

However, that hearing never took place. Federal District Court Judge T. Whitfield Davidson had hardly ended his remarks to John Coffey, and ordered the hearing to proceed, when a Deputy United States marshal stepped forward and served the presiding judge in a Federal Circuit Court with a notice that Associate Justice Hugo L. Black of the United States Supreme Court had issued a mandamus ordering the hearing in the Federal District Court to cease forthwith, and further that the injunction issued by that court be immediately dissolved, and any further action concerning the election returns of Precinct No. 13 of Jim Wells County be suspended until further action by the United States Supreme Court in that matter.

Federal District Court Judge T. Whitfield Davidson was left with no alternative, and the hearing was abruptly ended with this comment from the bench in open court by Judge T. Whitfield Davidson:

"THIS COURT HAS NO CHOICE BUT TO SUBMIT TO THE MANDATE FROM THE SUPREME COURT, ALTHOUGH IN MY OPINION MR. JUSTICE BLACK HAS ACTED HASTILY AND PROBABLY UNLAWFULLY."

Secretary of State Paul Brown had already forwarded the ballots for the November nation-wide general election to the 254 Election Boards of the 254 Texas counties, ballots on which a blank space appeared in which voters were to write in the name of their choice for Senator. LBJ's name did not appear as the candidate of the Democratic Party for United States Senator on ballots delivered to the 254 Election Boards.

As the sole result of Associate Justice

Hugo L. Black's order, LBJ's name was printed in the blank space on the ballots. LBJ's name thus appeared on the ballots in the November 1948 nation-wide general election as the candidate of the Democratic Party for United States Senator. As a result, LBJ was elected to the United States Senate as Senator from the State of Texas.

The great seal of the United States Supreme Court acted in the role of a bulldozer to clear the road so that LBJ could take a seat in the United States Senate. LBJ was fortunate that his No. 1 political crony today, Abe Fortas of the New Deal fame, was able to obtain an immediate injunction in the United States Supreme Court on September 28, 1948, terminating injunction proceedings instituted by ex-Governor Coke Stevenson in Federal Courts in Texas, to investigate the August 28, 1948 run-off primary election.

Abe Fortas had to work fast. In New Orleans, Federal Fifth Circuit Court of Appeals Judge J. C. Hutcheson, Jr. decreed a public hearing on October 2, 1948 before the full court of three judges, to hear ex-Governor Coke Stevenson's side of the story. In Dallas, Federal District Court Judge T. Whitfield Davidson's hearing was proceeding when Associate Justice Hugo L. Black's order terminated further action of any kind in the Federal District Court in Texas.

Abe Fortas did work fast. He obtained from the United States Supreme Court the only order that could stop all further investigation of the legality of the August 28, 1948 run-off primary election and LBJ's right to a seat in the United States Senate from the State of Texas in 1948.

It is difficult to speculate what LBJ's status would be today if Associate Justice Hugo L. Black had not issued his September 28, 1948 injunction. There is every reason to believe that ex-Governor Coke Stevenson would have been elected in 1948 to the United States Senate as a Senator from the State of Texas. Mystery cloaks the reason why Associate Justice Hugo L. Black so hastily issued his September 28, 1948 injunction. There was no reason for haste as two Federal proceedings were then pending, with every indication that they would be decided before the November 1948 nation-wide general election nullifying LBJ's nomination.

LBJ is faced with a terrific problem. LBJ is now the President of the United States. No one can question the fact that LBJ was duly elected Vice-President of the United States in 1960 and presently occupies the White House as President of the United States. The problem LBJ faces is the growing belief throughout the nation today that his election to the United States Senate in 1948 was stolen for him by political cronies.

It is neither fair to LBJ nor to the voters in the United States today that this matter is not fully reviewed by LBJ and other parties concerned before Election Day in November. LBJ has a right to the benefit of any doubt that he became an accessory before or after the fact until or unless it can be proved otherwise, and the voters also have a right to know the facts relating to this matter before they go to the polls on Election Day to choose their next President.

Common Sense.

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